

IC 36-9-6

Chapter 6. City Works Board

IC 36-9-6-1

Application of chapter

Sec. 1. This chapter applies to second and third class cities.

As added by Acts 1981, P.L.309, SEC.79. Amended by Acts 1981, P.L.44, SEC.59.

IC 36-9-6-2

Supervision of streets, alleys, and city property

Sec. 2. Unless otherwise provided by statute or ordinance, the works board shall supervise the streets, alleys, sewers, public grounds, and other property of the city, and shall keep them in repair and good condition. The works board shall provide for the cleaning of city streets and alleys.

As added by Acts 1981, P.L.309, SEC.79. Amended by Acts 1982, P.L.33, SEC.43.

IC 36-9-6-3

Custody, maintenance, improvement, and construction of city property

Sec. 3. (a) Unless otherwise provided by statute or ordinance, the works board has custody of and may maintain all real and personal property of the city.

(b) A city works board may design, order, contract for, and execute:

- (1) all work required to improve or repair any real or personal property that belongs to or is used by the city; and
- (2) the erection of all buildings and other structures needed for any public purpose.

As added by Acts 1981, P.L.309, SEC.79. Amended by Acts 1982, P.L.33, SEC.44.

IC 36-9-6-4

Condemnation, rental, and purchase of property

Sec. 4. The works board may condemn, rent, or purchase any real or personal property needed by the city for any public use, unless a different provision for purchase is made by statute or ordinance. However, the city legislative body may by ordinance:

- (1) require that these condemnations, rentals, or purchases be included in a long-range capital expenditure program to be proposed by the works board and updated as required by the legislative body, but at least annually;
- (2) require the works board to estimate, at least annually, expenditures needed for condemnations, rentals, and purchases for each successive fiscal year;
- (3) approve, amend, or reject all or part of the long-range capital expenditure program and the proposed annual expenditures, before or during the adoption of the city budget;

and

(4) specify the manner in which the works board must itemize the estimates of capital program expenditures for each fiscal year.

As added by Acts 1981, P.L.309, SEC.79. Amended by Acts 1982, P.L.33, SEC.45.

IC 36-9-6-5

Approval of plats

Sec. 5. The works board may approve plats under IC 36-7-3-3(d).

As added by Acts 1981, P.L.309, SEC.79.

IC 36-9-6-6

Public ways and sidewalks; laying out, opening, and changing; grades

Sec. 6. (a) The works board may lay out, open, change, and fix or change the grade of any public way, sidewalk, or public place in the city.

(b) The works board may keep a record of the grades of all public ways and sidewalks in the city.

As added by Acts 1981, P.L.309, SEC.79. Amended by Acts 1981, P.L.46, SEC.8.

IC 36-9-6-7

Streets, alleys, wharves, and public places; improvements and repairs

Sec. 7. The works board may design, order, contract for, and execute all work required to improve or repair any street, alley, wharf, or public place within the city.

As added by Acts 1981, P.L.309, SEC.79.

IC 36-9-6-8

Public places; cleaning and sprinkling

Sec. 8. The works board may, by contract or otherwise, clean and sprinkle any public place within the city.

As added by Acts 1981, P.L.309, SEC.79.

IC 36-9-6-9

Streets, alleys, and public places; lighting

Sec. 9. The works board may erect lampposts or other lighting apparatus in the streets, alleys, and public places of the city.

As added by Acts 1981, P.L.309, SEC.79.

IC 36-9-6-10

Drains and sewers; plans; construction

Sec. 10. (a) The works board may prepare a uniform plan for the drainage and sewerage of the city.

(b) The works board may lay out, design, order, contract for, and execute the construction, alteration, and maintenance of all public drains or sewers necessary to carry off the drainage of the city.

As added by Acts 1981, P.L.309, SEC.79.

IC 36-9-6-11

Sewage disposal and treatment works

Sec. 11. The works board may erect, maintain, and operate works for the collection, treatment, and disposal of sewage.

As added by Acts 1981, P.L.309, SEC.79.

IC 36-9-6-12

Culverts, bridges, and aqueducts

Sec. 12. The works board may design, order, contract for, and cause the erection of any culvert, bridge, or aqueduct within the city, or may enter in a contract for the joint erection and maintenance of such a structure by the city and a company or individual.

As added by Acts 1981, P.L.309, SEC.79.

IC 36-9-6-13

Utility and transportation structures; authorization

Sec. 13. (a) A contract under this section must be submitted to the city legislative body and does not take effect until approved by ordinance of the legislative body.

(b) The works board may authorize a telegraph, telephone, electric light, gas, water, steam, railroad, or interurban company to use and erect necessary structures in any street, alley, or public place in the city. The works board may prescribe the terms and conditions of uses under this section and may fix by contract the price to be charged to the company.

As added by Acts 1981, P.L.309, SEC.79.

IC 36-9-6-14

Excavations

Sec. 14. The works board may license the making of excavations from the surface or underneath the surface of a street, alley, or public place in the city. The works board may require bond to pay for damages caused by excavations and to secure the proper repair of the street, alley, or public place.

As added by Acts 1981, P.L.309, SEC.79.

IC 36-9-6-15

Removal of structures from streets, alleys, and public places

Sec. 15. The works board may order the removal of any structure in a street, alley, or public place of the city. If the person maintaining the structure fails to remove it, the works board may remove it at his expense.

As added by Acts 1981, P.L.309, SEC.79.

IC 36-9-6-16

Levees

Sec. 16. The works board may design, order, contract for, and cause the erection of levees for the city.

As added by Acts 1981, P.L.309, SEC.79.

IC 36-9-6-17

Watercourses; improvements

Sec. 17. The works board may straighten, deepen, or otherwise improve any natural or artificial watercourse.

As added by Acts 1981, P.L.309, SEC.79.

IC 36-9-6-18

Private watercourses; bridges

Sec. 18. The works board may require the owners of canals and watercourses to construct and maintain bridges across them at street and alley intersections.

As added by Acts 1981, P.L.309, SEC.79.

IC 36-9-6-19

Removal and disposal of refuse

Sec. 19. The works board may, by contract or otherwise, remove all dead animals, rubbish, and other refuse from the city. The works board may erect crematories or other plants for the destruction and disposal of this refuse.

As added by Acts 1981, P.L.309, SEC.79.

IC 36-9-6-20

Maps and records of pipes and conduits

Sec. 20. The works board may maintain a map and record of all pipes and conduits in the city for sewers, gas, water, electric wire, heat, and other purposes, showing their size, depth, inclination, location, and date of construction.

As added by Acts 1981, P.L.309, SEC.79.

IC 36-9-6-21

Private lots and tracts; drainage and fill; expenses

Sec. 21. (a) The works board may fill or drain, at the owner's expense, any lot or tract within the city, or within four (4) miles from its corporate boundaries if the water on the lot or tract is or may become injurious to the public health and comfort. However, no more than twenty percent (20%) of the value of the lot or tract, as assessed on the tax duplicate, may be expended in filling or draining the lot or tract in any (1) year.

(b) The expenses of the works board under this section are a lien against the lot or tract. This lien may be collected by foreclosure or by placing it on the tax duplicate.

As added by Acts 1981, P.L.309, SEC.79.

IC 36-9-6-22

Restrooms and fountains

Sec. 22. The works board may construct restrooms and fountains in public places.

As added by Acts 1981, P.L.309, SEC.79.

IC 36-9-6-23**Payment of expenses**

Sec. 23. All expenses incurred or authorized by the works board under this chapter are payable out of the general fund of the city, from appropriations made for the use of the board and available for the particular purpose, unless a statute specifically directs that the expenses are to be paid by assessments against owners of real property.

As added by Acts 1981, P.L.309, SEC.79.

IC 36-9-6-24**Performance of work by contract or by employees of board**

Sec. 24. (a) If any work ordered or undertaken by the works board is payable out of the general fund of the city, it may cause the work to be done by independent contract or by employees of the board.

(b) If any work ordered or undertaken by the works board is payable, in whole or in part, from assessments made for that purpose upon the real property benefited by the work, the works board shall have the work done by contract, unless otherwise provided by statute.

As added by Acts 1981, P.L.309, SEC.79. Amended by Acts 1981, P.L.317, SEC.7.